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November 20, 2014

11/21/2014

Via ECF

Honorable Denise L. Cote
United States District Court for the
Southern District of New York United States Courthouse
500 Pearl Street
New York, New York 10007-1312

RECEIVED

Re: *In re Application of The Coalition To Protect Clifton Bay and Louis Bacon for an Order Pursuant to 28 U.S. C. § 1782 to Conduct Discovery for Use in Foreign Proceedings, 14 Misc. 258 (DLC)*

Dear Judge Cote:

We are the attorneys for Respondent Stephen J. Feralio. Pursuant to the Court's direction at the September 11, 2014 court conference, we write to update the Court regarding our efforts to review and produce materials to Nygard International Partnership and Nygard Inc. responsive to the subpoena issued by Petitioners, The Coalition To Protect Clifton Bay and Louis Bacon.

Over the past week, we completed our review and production of electronic files contained on Mr. Feralio's various hard drives. We also re-reviewed numerous files that the Nygard Parties designated as non-responsive to the Amended Subpoena. In response, we provided the Nygard Parties with lists of files that we believe the Nygard Parties have erroneously labeled as non-responsive. We await their reply.

For the period November 13, 2014 through November 19, 2014, Mr. Feralio devoted approximately 62 hours to reviewing electronic files. Presently, Mr. Feralio is focused on managing the production of the Final Cut Pro files in order to permit their review. We anticipate that we will complete the production of the Final Cut Pro files to the Nygard Parties by the extended deadline of December 2, 2014.

Earlier this week, Mr. Feralio located an old, personal iPhone that he had used while serving as a contractor to Nygard International. He stopped using that iPhone when it was submerged under water and ceased functioning. Mr. Feralio was surprised to find that when he tried to turn on the old iPhone, it worked. We believe that the iPhone contains electronic files responsive to the Amended Subpoena, potentially including photos, videos, text messages and audio recordings. We immediately created a forensic copy of the iPhone and are beginning the process of reviewing those materials as quickly as possible. We will complete the review and production of the iPhone files by the extended deadline of December 2, 2014.

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We are available to answer any questions the Court may have regarding our efforts. Per the Court's instructions, we will further update the Court next week on our progress.

Respectfully submitted,

s/ Steven D. Feldman

Steven D. Feldman

cc: Counsel for Petitioners (by ECF)
Counsel for Nygard International Partnership and Nygard Inc. (by ECF)

Approved.
Denise Cote
Nov. 21, 2014